

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3019
	)	
V.	)	
	)	
CLARENCE D. HERGERT,	)	<b>MEMORANDUM AND ORDER</b>
	)	
Defendant.	)	
_____	)	

This matter is before the court on the Magistrate Judge's Findings, Recommendation and Orders ("Recommendation") ([filing 64](#)) that Defendant Clarence D. Hergert's motion to dismiss criminal case ([filing 48](#)), motion to dismiss criminal case or, in the alternative, to consolidate counts on the grounds of multiplicity ([filing 50](#)), motion to suppress ([filing 59](#)) and motion for hearing under *Franks v. Delaware* ([filing 61](#)) be denied. No objections to the Recommendation have been filed as allowed by [28 U.S.C. § 636\(b\)\(1\)\(c\)](#).

I have reviewed the Magistrate Judge's Recommendation pursuant to [28 U.S.C. § 636\(b\)\(1\)](#) and I find after de novo review that the Recommendation should be adopted.

IT IS ORDERED:

1. The Magistrate Judge's Recommendation ([filing 64](#)) is adopted;
2. Defendant's motion to dismiss criminal case ([filing 48](#)) is denied;
3. Defendant's motion to dismiss criminal case or, in the alternative, to

consolidate counts on the grounds of multiplicity ([filing 50](#)) is denied;

4. Defendant's motion to suppress ([filing 59](#)) is denied; and
5. Defendant's motion for hearing under *Franks v. Delaware* ([filing 61](#)) is denied.

January 25, 2011.

BY THE COURT:

*Richard G. Kopf*

United States District Judge